KENYA RAILWAY CORPS

COMMUNITY LAND FRAMEWORK

From Obstacle to Owner

A Framework for Community Equity in National Rail Infrastructure

THE PROBLEM WITH EVERY PREVIOUS APPROACH

Infrastructure projects have failed communities in Kenya in the same way for sixty years. Land is identified. Compensation is assessed, usually below market, usually slowly. Communities receive a payment, lose their land, and watch a road or railway built through their territory by people from elsewhere, for the benefit of people elsewhere. The SGR displaced communities in Coast, Machakos, and Nairobi counties. The compensation process ran for years. Legal challenges delayed construction. The communities that were displaced did not benefit from the freight revenue the railway generates. They received a cheque, if they were fortunate, and watched the train go past.

The Kenya Railway Corps operates on a different principle. A community whose land the network crosses does not sell their stake in the national project. They invest it. The land becomes equity. The equity generates income. The income continues for as long as the railway runs — which is to say, permanently.

THE SEQUENCING PRINCIPLE

No corridor begins land acquisition until three conditions are met, in sequence:

STEP	CONDITION	PURPOSE
1	**Corridor Battalion recruitment begins**	Community members are employed in the Corps before land negotiation. They are workers, not victims.
2	**Community Rail Agreement concluded**	Terms of land use, compensation, equity, and employment are agreed before acquisition proceeds. Community has legal standing.
3	**Community Rail Trust established**	The equity mechanism is legally constituted and governed by elected community representatives before the first sleeper is laid.

THE COMMUNITY RAIL AGREEMENT

Every Community Rail Agreement shall contain five mandatory components:

Component 1 — Land Valuation

Land acquired for the Network shall be valued at current market value plus a Development Premium of not less than thirty percent, reflecting the anticipated land value appreciation in the Network's corridor of influence. The Development Premium acknowledges that the railway will

make land near it more valuable. Communities receive compensation that reflects that future value, not just the present value of land that has been ignored by the state for decades.

Component 2 — Employment Commitment

The Corps commits to recruiting not less than sixty percent of the relevant Corridor Battalion from the corridor-adjacent community. This commitment is written into the Agreement and is enforceable. The community does not watch outsiders build through their land. The community's children build through their land, learn the trade on their land, and maintain the track on their land permanently.

Component 3 — Community Rail Stake

The community receives a permanent equity interest — the Community Rail Stake — in the station, depot, or freight infrastructure constructed within or adjacent to their territory. The Stake is not a payment. It is an ownership interest that generates ongoing revenue. It cannot be sold, transferred outside the community, or compulsorily acquired. It is held in perpetuity by the Community Rail Trust.

Component 4 — Infrastructure Commitments

The Corps commits to specific infrastructure to be constructed within the community's territory — the station, the depot, the water point, the maintenance yard, the community access road. These are not aspirational. They are contractual obligations with defined timelines. Failure to deliver triggers compensation to the Community Rail Trust at twice the cost of the undelivered infrastructure.

Component 5 — Dispute Resolution

Disputes arising under the Community Rail Agreement shall be resolved by a Land and Community Tribunal established specifically for this purpose, comprising one judge of the Environment and Land Court, one member nominated by the National Land Commission, and one member elected by the affected community. The Tribunal shall be required to issue its decision within ninety days of referral.

THE COMMUNITY RAIL TRUST

Each Community Rail Trust shall be:

- Governed by a board of five trustees elected by adult members of the community in a process supervised by the Independent Electoral and Boundaries Commission;
- Audited annually by the Auditor-General of Kenya, with audited accounts published publicly;
- Entitled to receive its share of Network revenues quarterly, paid directly by the Corps into a dedicated Trust account;

- Empowered to invest Trust revenues in community development priorities as determined by the community through an annual assembly; and
- Permanently prohibited from distributing Trust capital — only income may be distributed, ensuring the equity stake is preserved across generations.

THE PASTORALIST CORRIDOR PROTOCOL

The northern and northwestern corridors cross territory used by pastoralist communities — Turkana, Samburu, Borana, and others — whose land use is seasonal and whose legal relationship with formal land titling is complex. Standard land acquisition processes are inadequate for this context.

The Corps shall apply a Pastoralist Corridor Protocol for all corridors crossing communal pastoral land, which shall include:

- Seasonal migration corridor crossings: rail crossings through known migration routes shall be designed as underpasses or at-grade crossings with controlled access, preserving livestock movement patterns;
- Grazing right preservation: the right-of-way acquisition shall be the minimum width necessary for safe rail operations. No grazing rights within one kilometre of the corridor shall be extinguished without specific agreement;
- Water point infrastructure: the Corps shall construct water points accessible to pastoralist communities at intervals of not more than fifty kilometres along corridors crossing pastoral land; and
- Pastoralist representation: the Community Rail Trust in pastoral areas shall include at least two members elected specifically by mobile pastoralist households, with a voting process designed to accommodate seasonal movement.

WHY THIS WORKS

The political economy of land in Kenya has been corrupted so consistently and for so long that communities have learned to treat all infrastructure projects as extraction. The Corps framework breaks that pattern through one mechanism: skin in the game. When the community owns an equity stake in the station, they want the station to succeed. When community members are the maintenance crew, they protect the track. When the Community Rail Trust receives revenue quarterly, the community has a financial interest in high freight volumes. The community becomes the railway's most powerful advocate rather than its most determined opponent.

The Maasai did not oppose the SGR because they disliked trains. They opposed it because nobody gave them a reason to support it. The Corps gives every community a reason.

A community that owns a stake in the railway

does not fight the railway.

It defends it.